

Special Education Advisory Council Cornhusker Hotel September 24, 2009

SEAC MEMBERS PRESENT: Brunzman, Davis, Ellis, Ewing, Goodwin, Gordon, Grossnicklaus, Hall, Kemp, Kimes, McMullen, Mercer, Mintken, Proskovec, Randels, Snyder, Stahla, Steinwart, York

MEMBERS ABSENT: Bostic-Frederick, Busse, Kanter, Thode, VanWassenhover, Weber

NDE STAFF PRESENT: McClain, Sherman, Kasl, Wierda, Foley, Heaston, Huff, Biaggio

SEAC FACILITATOR: Bird

The meeting of the Special Education Advisory Council (SEAC) commenced at 9:15 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site and in the Lincoln Journal Star and Omaha World Herald.

ORIENTATION

A Council orientation was provided to new members prior to the start of the SEAC meeting.

INTRODUCTIONS

Dr. Roger Breed, Commissioner of Education welcomed SEAC members and thanked them for the service and expertise in advising NDE and the State Board of Education on special education issues.

Gary Sherman, Administrator, Office of Special Education also welcomed members and thanked them for their work and commitment.

Members made introductions.

SEAC GUIDING PRINCIPLES

2008-2010 SEAC Priorities

Sandi Proskovec spoke for the Executive Committee by sharing the current SEAC Priorities which can be found in the SEAC Annual Report, 2008-2009. The priorities were written to be effective from 2008 through 2010. Sandi asked members to consider the priorities during the year and give thought to additions and/or changes that they would like to see made to the priorities for the next year(s).

Elimination of SEAC Beliefs

Sandi Proskovec also shared that "Belief Statements" were written for SEAC a

number of years ago. The statements are a bit dated and have a strong focus on funding. Maintaining a "Belief Statement" is not a requirement of the Council. The Executive Committee is recommending that the "Belief Statements" be eliminated at this time. SEAC could choose to revisit this issue at a later date and write new statements if they choose.

COUNCIL BUSINESS

Open Meetings Law

SEAC Council meetings are open meetings and the Open Meetings Law was posted on the food table.

Approval Of April 16, 2009 Minutes

Kathy Ewing moved and Charlene Snyder seconded a motion to approve the April 16, 2009, meeting minutes as submitted.

VOTE:

<i>Aye</i> -	Davis, Gordon, Grossnicklaus, Kimes, Mercer, Proskovec, Snyder
<i>Nay</i> -	None
<i>Abstain</i> -	Brunzman, Ellis, Goodwin, Hall, Kemp, McMullen, Mintken, Randels, Stahla, Steinwart, York
<i>Absent</i> -	Bostic-Frederick, Busse, Kanter, Thode, VanWassenhover, Weber

The motion carried.

Approval Of Agenda

The agenda for the day was reviewed and some suggested revisions were made. A motion to approve the agenda as amended was made by Charlene Snyder and seconded by Sandi Proskovec.

VOTE:

<i>Aye</i> -	Brunzman, Davis, Ellis, Ewing, Goodwin, Gordon, Grossnicklaus, Hall, Kemp, Kimes, McMullen, Mercer, Mintken, Proskovec, Randels, Snyder, Stahla, Steinwart, York
<i>Nay</i> -	None
<i>Abstain</i> -	None
<i>Absent</i> -	Bostic-Frederick, Busse, Kanter, Thode, VanWassenhover, Weber

The motion carried.

SEAC Annual Report 2008-2009

The SEAC Annual Report 2008-2009 was provided to SEAC members in the mailing. Members can use it as a resource throughout the year and to share information with their constituents. Members commented that the report looked great and provided good information. Consideration is being given to including a group photograph next year.

Proposed Operational Procedures Changes

Annie Bird shared proposed changes to the SEAC Operating Procedures. Changes include: page 4, membership size to be no less than 15 members, deleting a

maximum of 22 members; page 5, removal of Technical Advisory Personnel section as they are now voting members; page 5, all committees will be referred to as "committees" and not standing or ad hoc committees; page 5, appointment of committee members is approved by the NDE, Special Education Administrator, not the Commissioner. A motion was made by Bethany Brunsman and seconded by Maggie Mintken to approve the proposed changes to the Operational Procedures.

VOTE: *Aye* - Brunsman, Davis, Ellis, Ewing, Goodwin, Gordon,
 Grossnicklaus, Hall, Kimes, McMullen, Mercer, Mintken,
 Proskovec, Randels, Snyder, Stahla, Steinwart, York
 Nay - None
 Abstain - None
 Absent - Bostic-Frederick, Busse, Kanter, Kemp, Thode,
 VanWassenhover, Weber

The motion carried.

SEAC Committees/Task Forces

Kathy Grossnicklaus reviewed the different committees that operate under SEAC. The list of committees and their membership can be found in the Annual Report. NDE would like to have a SEAC member on each of the committees. If members have an interest in serving on any of the committees they should let Annie Bird know.

2009-10 Meeting Dates

The Executive Committee recommended meeting dates for the year of November 19, 2009; January 21, 2010; and April 15, 2010. After discussion Bill Goodwin moved and Lydia York seconded a motion to approve the proposed meeting dates.

VOTE: *Aye* - Brunsman, Davis, Ellis, Goodwin, Gordon,
 Grossnicklaus, Hall, Kemp, Kimes, McMullen, Mercer,
 Mintken, Proskovec, Randels, Snyder, Stahla, Steinwart,
 York
 Nay - None
 Abstain - None
 Absent - Bostic-Frederick, Busse, Ewing, Kanter, Thode,
 VanWassenhover, Weber

The motion carried.

NOTICE OF CONFERENCES/MEETINGS

NDE Regional Meetings

The NDE Office of Special Education travels across the state each fall to provide updates on special education issues. This fall they are visiting five sites. The Kearney and Norfolk meetings are coming up in October. SEAC members can attend for free by contacting Pam Kasl. Some of the topics from the Regional Meetings will be covered at the SEAC meetings. It was suggested that NDE give Regional Meeting Program Booklets to SEAC members as it provides a lot of good information. Comment was made that it is important for the Office to travel across the state so that staff in the communities surrounding the site have an opportunity to meet and directly interact with NDE representatives.

NDE Law Conference

Iowa and Kansas will be participating with Nebraska in the Tri-State Regional Law Conference which will be held in Omaha at the Downtown Embassy Suites on November 5 & 6. Many national speakers will be at the conference sharing important information about special education and the law. SEAC members who wish to attend should contact Pam Kasl for free registration.

Transition Summit

The Transition Summit will be held on November 12 in Kearney. The Summit brochure was distributed. SEAC members who wish to attend should contact Pam Kasl.

Monthly Call with Special Education Directors

The Office of Special Education hosts a teleconference with special education directors on the last day of each month. Updates are provided on timely topics and the calls last approximately one hour. SEAC members who would like information on connecting to this call should contact Pam Kasl.

EXECUTIVE COMMITTEE MEMBER

The SEAC Executive Committee consists of four SEAC members, the facilitator and the recorder. Exec has been set-up so that there is one member of each expiring class represented. Each year, one member's term expires leaving an opening for one person from the new class. The senior class member serves as the Council Chair. Annie Bird asked for volunteers from the 2013 class to serve on the Executive Committee. Volunteers were Maggie Mintken, Mike Steinwart and Glenda Davis. A ballot vote was taken. Glenda Davis was named the newest member of SEAC Exec. Other Exec members are Kathy Grossnicklaus (chair), Sandi Proskovec and Karen Thode.

REVISION OF RULE 51

Beth Wierda shared that Nebraska's Rule 51 must match the Federal Special Education Regulations. The Office of Special Education Programs (OSEP) made some revisions to the federal regulations in December, 2008. In order to comply with these revisions, changes are being proposed to Rule 51. The changes indicate that: districts must correct a non-compliance within one year; text books and aids for the visually impaired must be provided at the same time as regular text books; there are additional member requirements on the Planning Region Teams; parent can remove their child from special education programs at any time, the district will give notice to the parents that their child is being removed at their request, a student can be placed back in special education upon request; correction of typographical errors. A Hearing Draft will be taken to the Board in October for their approval. A Public Hearing will be held in November. The State Board will be asked for their approval in December and then the revised Rule will be sent to the Attorney General's Office and the Governor's Office for approval. A motion was made by Norma Mercer and seconded by Glenda Davis to give SEAC support to the proposed changes to Rule 51 and have a member of the Executive Committee provide such testimony at the hearing.

VOTE: *Aye* - Brunsman, Davis, Ellis, Ewing, Goodwin, Gordon,
 Grossnicklaus, Hall, Kemp, Kimes, McMullen, Mercer,
 Mintken, Proskovec, Randels, Snyder, Stahla, Steinwart,
 York
 Nay - None
 Abstain - None
 Absent - Bostic-Frederick, Busse, Kanter, Thode, VanWassenhover,
 Weber

The motion carried.

SECLUSION AND RESTRAINTS

Beth Wierda reported that seclusion and restraint techniques are getting a lot of national attention because of a hearing at the U.S. Labor Committee and a report from the GAO. There is concern over the appropriate use of seclusion and restraint techniques in schools. U.S. Secretary of Education, Arne Duncan wants this to be addressed by each state. Seclusion and restraint techniques should only be used by fully trained professionals and only for safety purposes, not for disciplinary reasons. NDE has included in the Special Education Statement of Assurances, signed by an authorized district official that the district will only utilize seclusion and restraint techniques by staff that have been properly trained. NDE will be working with UNL through a grant on writing sample policies and procedures for seclusion and restraint techniques and training.

IDEA ARRA FUNDS

Gary Sherman and Pete Biaggio discussed IDEA American Recovery and Reinvestment Act (ARRA) funding. The ARRA funding appropriation nearly doubled the federal funds that Nebraska would typically receive for special education. However, the majority of special education funding still comes from state appropriations. Part B (ages 3-21) received approximately \$74.7 million, preschool (Section 619) received approximately \$2.3 million, and Part C (infants and toddlers below age 3) received over \$2.9 million. Part B and preschool funds are distributed to districts by the federal enrollment/poverty formula. The first half of the funds was available to districts in May. The remainder of the funds will be available to districts on October 1 and must be spent by September 30, 2011. The funds have to be tracked separately with additional reporting requirements. The first Quarterly Report on how the funds are being used will be available next month. Some districts have chosen to make ADA building modifications which must meet specific criteria and must support least restrictive environment policies. Any equipment of \$5000 or more must have prior NDE approval and all equipment purchased must support children with disabilities.

PUBLIC COMMENT

Mary Gordon shared that the DD Council grants funds to eligible applicants to support individuals with disabilities. A new grant has been awarded to O'Hare Professional Consultation Services who will work with transition age students to help them find and keep employment. This will enable individuals to live and work in their communities.

PTI Nebraska has also been issued a grant from the DD Council. Glenda Davis shared that this grant will fund the development of training modules on IEPs and special education law. This combined training will be made available on the PTI website. PTI is also starting a new training program called "Home Training Parties." A family will host a training event at their home and invite other families who have children with disabilities. They will watch the training videos together and then talk by phone with PTI staff to get answers to any questions that they have. The host family will be reimbursed for their expenses to hold the party.

STATE PERFORMANCE PLAN

Jeanne Heaston presented on the ILCD Process, the State Performance Plan (SPP) and the Annual Performance Report (APR). A Power Point Handout was provided. Improving Learning for Children with Disabilities (ILCD) is the process for state monitoring and includes self assessment by the school districts. The ILCD process has four phases: maintenance and planning, self-assessment, NDE review and development of Improvement and Growth Plans, and documentation of outcomes. All phases are completed over five years. A website has been developed where districts have their own secured sites for storing all their data and tracking progress. The six year SPP requires submission of an APR to the federal Office for both Parts B & C. Targets were created for each of the indicators and there are 20 indicators for Part B and 14 for Part C. The indicators were described. By reviewing these indicators each state is given a determination from OSEP of either: meets requirements, needs assistance, needs improvement or needs substantial improvement. In the same fashion, NDE must make a determination for each of Nebraska's school districts. Nebraska's determination for Part B was Needs Assistance and for Part C was Meets Requirements.

Lindy Foley spoke about the Impact Areas. The Impact Areas are designed to be make connections between the SPP Indicators, ILCD Inquiries, Continuous Improvement Activities, Determinations and Public Reporting. Four Impact Areas were developed to organize the SPP Indicators and the ILCD Inquiries: (1) Improving Academic Achievement, Functional Outcomes and Child Outcomes; (2) Improving Communication and Relationships Among Families, Schools, Communities and Agencies; (3) Improving Transitions from the Early Development Network to Preschool and School to Adult Living; and (4) Improving Accountability and General Supervision. The public reporting site was shared, <http://reportcard.nde.state.ne.us/main/homes.aspx>. The benefits of using the Impact Areas are that it uses multiple data sources, gives districts ownership and flexibility in reaching their own goals, measures progress in a meaningful way, is tied to general education and school improvement, and streamlines improvement activities.

ADJOURN

Charlene Snyder moved and Bethany Brunsman seconded a motion for the meeting to adjourn. The meeting adjourned at 3:20 p.m.